

REMARKS

Claims 16-20 are currently pending. Claim 17 is amended herein. The amendments to Claim 17 add no new matter and are fully supported in the specification. Reconsideration and allowance of these Claims are respectfully requested.

Drawings

The Examiner objected to the drawings as not showing features of the invention that are specified in the Claim. Specifically, the Examiner objected to the drawings as not showing “the view that a stand-alone RMON probe would have.” The Applicants respectfully disagree with the Examiner’s interpretation of this language of Claim 16. The “view” to which Claim 16 refers is neither visual nor specific. Rather, it refers to the general network environment that a stand-alone RMON would encounter or “see” if all the ES were on the same LAN segment with it. In other words, the view that a stand-alone RMON probe would have would simply include all ES that are connected to the same LAN segment as the probe. Hence, the view that a stand-alone RMON probe would have is not one that is capable of being displayed. In light of the foregoing, the Applicants respectfully submit that all of the features of the invention specified in the Claims are indeed shown in the drawings. As such, the Applicants respectfully request the withdrawal of the objections to the Claims.

112(1) Rejections

The Examiner rejected Claim 16 under 35 U.S.C 112, first paragraph as failing to comply with the written description requirement because “[t]he main body of the specification does not suggest a view of any type and it is unsure where this ‘view’ will be displayed on.” As per the above remarks with respect to the Examiner’s objection to the drawings, the term view as used in Claim 16 is used in the abstract sense, and thus not capable of being displayed.

Therefore, the 112 rejection made on the basis of non-compliance with the written description requirement is moot and withdrawal of the rejection is respectfully requested.

112(2) Rejections

The Examiner rejected Claim 17 under 35 U.S.C 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the rejection states that there is insufficient antecedent basis for the limitations “said proxy” and “the proxy”. The Applicants have amended Claim 17 in such a manner as to make this rejection moot. As such, the withdrawal of the 112 rejection made on the basis of indefiniteness is respectfully requested.

103 Rejections

Claims 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703) in further view Engel et al (U.S. Patent No. 6,115,393). Applicants have reviewed the recited references and respectfully submit that the present invention as is recited in Claim 16 is neither anticipated nor rendered obvious by Raab et al. in view of Desai et al in further view of Engel.

The Examiner is respectfully directed to independent Claim 16. The Claim 16 embodiment includes:

...deploying dRMON agents that communicate with a dRMON proxy within ESs to be monitored, said dRMON agents implementing RMON functional groups but only capturing and analyzing packets that their native ES sends or receives; on a periodic basis having the dRMON agents forward statistics and/or captured packets to a dRMON proxy, existing somewhere on the LAN...

Raab et al. does not anticipate nor render obvious a method for distributed remote network monitoring comprising, “deploying dRMON agents that communicate with a dRMON proxy within ESs to be monitored said agents implementing RMON functional groups but only capturing and analyzing packets that their native ES sends or receives.” Raab et al. only discloses a method and apparatus for monitoring a dedicated communications medium in a switched data network. As such, Raab et al. is only concerned with the monitoring of the medium between network connected devices and not the network connected devices themselves. In fact, Raab et al. teaches at column 4, lines 33-37 that his disclosed system monitors the traffic patterns “between workstations.” Nowhere, does the Raab et al. reference show or suggest monitoring data in end systems (ESs) as is recited in applicants’ Claim 16.

Desai et al in further view of Engel et al do not teach or suggest a modification of Raab et al that would remedy the deficiencies of Raab et al. noted above. The rejection states that Engel teaches communications between types of dRMON agents and types of dRMON proxy. Applicants respectfully contend that such a statement is incorrect. Engel only teaches a method and apparatus for monitoring network communications. The rejection further states that Desai teaches deploying dRMON agents within ES’s. Even if the Examiner’s allegations regarding the teachings of the Desai reference and Engel reference are correct, the combination of Raab, Desai, and Engel would not render the current invention obvious within the meaning of 35 U.S.C. 103. Raab clearly teaches (as is indicated above) that the disclosed system is concerned with monitoring the medium that connects network devices. As such, Raab et al. sharply teaches away from employing components of a system (such as that disclosed by

Desai et al.) that feature attributes incompatible with this concept. Moreover, it has been held that the teachings of a reference are not sufficient to render an invention obvious where the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference as well as a change in the basic principle under which the construction was designed to operate.” *In re Ratti*, 270 F.2d. 810, 123 USPQ 349 (CCPA). Consequently, Engel et al, Desai et al., and Raab et al., either alone or in combination, do not anticipate or render obvious the Applicants’ invention as is set forth in Claims 16.

Therefore, Applicants respectfully submit that Claim 16 overcomes the Examiners basis for rejection under 35 U.S.C. 103(a). Accordingly, Applicants submit that Claim 16 is in condition for allowance.

Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703) in further view Engel et al (U.S. Patent No. 6,115,393) in further view of Dobbins et al. (U.S. Patent 5,790,546). Applicants respectfully submit that Dobbins et al. does not teach or suggest a modification of Raab et al., Desai et al., and Engel et al that would remedy the deficiencies of Raab et al., Desai et al., and Engel et al outlined above. Applicants respectfully contend that the Dobbins et al. reference does not show or suggest monitoring data in end systems (ESs) in the manner recited in applicants Claim 16. Consequently, Raab et al. in view of Desai et al. in further view of Engel in further view of Dobbins et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703) in further view

Engel et al (U.S. Patent No. 6,115,393) in further view of Umetsu (U.S. Patent 5,751,963).

Umetsu does not teach or suggest a modification of Raab et al., Desai et al, and Engel et al that would remedy the deficiencies of Raab et al., Desai et al., and Engel et al outlined above.

Nowhere, does the Umetsu reference show or suggest monitoring data in end systems (ESs) in the manner recited in applicants Claim 16. Consequently, Raab et al. in view of Desai et al. in further view of Engel in further view of Umetsu does not anticipate or render obvious the applicants invention as is recited in the Claims.

Claims 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raab et al. (U.S. Patent No. 6,047,321) in view of Desai et al. (U.S. Patent No. 5,781,703) in further view Engel et al (U.S. Patent No. 6,115,393) in further view of Nugent et al. (U.S. Patent 6,076,131). Nugent et al. does not teach or suggest a modification of Raab et al., Desai et al, and Engel et al that would remedy the deficiencies of Raab et al., Desai et al., and Engel et al outlined above. Applicants respectfully contend that the Nugent et al. reference does not show or suggest monitoring data in end systems (ESs) in the manner recited in applicants Claim 16. Consequently, Raab et al. in view of Desai et al. in further view of Engel et al. and further in view of Nugent et al. does not anticipate or render obvious the applicants invention as is recited in the Claims.

Conclusion


In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Dated: 10/18/, 2005



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